REMARKS

This amendment is submitted together with a Request for Continued Examination pursuant to 37 C.F.R. § 1.114. The amendment and remarks address the issues raised in the Office Action dated May 18, 2007 and in the Advisory Action dated July 25, 2007.

Claims 1-4, 6-9, 11, 13-15, and 17-35 are pending in the present application. Claims 1-4, 9, and 31 have been amended to even more particularly describe the recited inventions. No new matter has been added.

Rejection under 35 U.S.C. § 112

Claim 9 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite because it is allegedly unclear "how much constitutes a therapeutically effective amount." While the Applicants do not necessarily agree, claim 9 has been amended in order to advance the prosecution of the present application. Claim 9 now recites "A radioactive composition for administration to mammals for marking or identifying an mGlu1 receptor comprising a-radiolabelled compound according to claim 1 and a pharmaceutically acceptable carrier or diluent." The language "an effective amount" has been deleted, thus rendering the rejection moot. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-4, 6-9, 15, and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Cai (U.S. 5,597,922) in view of Freyne (U.S. 5,541,325). In light of the present amendments, the Applicants request reconsideration and withdrawal of the rejection.

Cai teaches glycine receptor antagonists wherein the group at the C-2 position is a ***hydrogen bond acceptor or a negatively charged group***. Cai at col. 4, lines 9-43. Specifically, Cai teaches that the group at the C-2 position should be a carbonyl. Cai at col. 5, line 50-col. 11, line 66; claims. In contrast, Freyne teaches compounds having an amino group, ***a charge neutral, hydrogen bond donor***, at C-2. Accordingly, Cai specifically *teaches away* from the compounds described in Freyne. Thus, one of skill in the art would not be motivated to combine the teachings of these two references, as has been done in the

Office Action. For at least these reasons, a *prima facie* case of obviousness has not been made and the Applicants respectfully request withdrawal of the rejection.

The remaining rejections under Section 103 all rely on Mabire (WO02/28837) as either the primary or secondary reference. Applicants respectfully traverse these rejections, because Mabire does not preclude patentability under Section 103 by virtue of the provisions of 35 U.S.C. § 103(c). Since Mabire has a publication date(April 11, 2002) later than the effective filing date of the instant application (March 29, 2002), it qualifies as prior art to the instant application under 35 U.S.C. § 102(e), but not under U.S.C. § 102(a) or (b). As shown on its face, Mabire is owned by Janssen Pharmaceutica N.V., which is also the owner of the instant application, as recorded with the Assignment Division of the USPTO at reel/frame 016300/0923. Since Mabire and the instant application were co-owned at the time the instant invention was made, and since it qualifies as prior art only under one or more of Sections 102(e), (f) or (g), the reference may not be relied on in a rejection based on obviousness, pursuant to the provisions of Section 103(c). Accordingly, Applicants respectfully request that the rejections based on Mabire be withdrawn.

The Applicants respectfully submit that the foregoing represents a *bona fide* attempt to address all issues raised in the Office Action dated May 18, 2007. Applicants submit that this application is now in condition for allowance. Accordingly, an indication of allowability and an early Notice of Allowance for all of pending claims 1-4, 6-9, 11, 13-15, and 17-35 are respectfully requested.

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